

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: September 11, 2003
)	
Desa Sealy-Ruffin)	DOCKET NO.: 03F-049
Member)	
DC Historic Preservation Review)	
Board)	
5353-29 th Street, NW)	
Washington, DC 20015)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Desa Sealy-Ruffin, Member, DC Historic Preservation Review Board (Board), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 7, 2003, OCF ordered Desa Sealy-Ruffin (hereinafter respondent), to appear at a scheduled hearing on August 18, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 13, 2003, respondent submitted an affidavit, dated August 11, 2003, stating that she recently started a new business, which required frequent travel. Further, respondent stated her intent to file the Financial Disclosure Statement in a timely manner, but admits her failure to do so. Respondent added that she has served on the Board for

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the past ten years. Respondent forwarded a fully executed copy of a Financial Disclosure Statement filed online on August 11, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed the Financial Disclosure Statements due in May 2002, 2001, and 2000.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on August 11, 2003.
4. A review of OCF records revealed that respondent has no history of filing delinquencies during the ten years she has served on the Board.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code § 1-1103.05(b)(3), and 3 DCMR §§ 3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code § 1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code § 1-1103.05(b)(3), the respondent may be fined a maximum of \$1,850.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR § 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's history of ten years of compliance constitute sufficient cause for partial suspension of the fine.
6. Respondent is currently in compliance with the statute.

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Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$250.00 in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine in the amount of \$250.00 be hereby imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.